REMARKS

Claims 1-28 are pending. Reconsideration and allowance of all pending claims are respectfully requested in light of the foregoing amendments and following remarks.

Rejections under 35 U.S.C § 103(a)

Claims 1-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,966,547 to Hagan et al. ("Hagan") in view of Parlante ("Linked List Basics") and U.S. Patent No. 5,319,778 to Catino ("Catino"). Applicant respectfully traverses the subject rejection on the grounds that the cited references are defective in establishing a prima facie case of obviousness with respect to the pending claims.

As the PTO recognizes in MPEP § 2142:

> *The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.*

In the present application, a prima facie case of obviousness does not exist for the claims, as herein amended, for at least the reasons set forth below.

MPEP § 2143.03 states that "'All words in a claim must be considered in judging the patentability of that claim against the prior art.' *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." However, in the present case, it is clear that, when all of the words of the claims as amended are considered, the claims are in fact patentable over the cited combination of references. Specifically, claim 1 as amended recites, *inter alia*, "executing an add to end function for adding a new element to the tail end of the queue even when the queue is in a locked state." This feature is neither taught nor suggested by the cited combination. In particular, Catino's teaching of adding an element to the beginning (or "head end") of the queue does not read on adding an element to the tail end of the queue as recited in claim 1.

Thus, for at least the reasons set forth above, the Examiner's burden of factually supporting a *prima facie* case of obviousness with respect to independent claim 1 has clearly not been met, and the rejection under U.S.C. §103 should be withdrawn. Independent claims 11 and 15 include limitations similar to those of claim 1 discussed above and are therefore also deemed to be in condition for allowance for at least the same reasons as claim 1. Claims 2-10, 12-14, and 16-28 depend from and further limit independent claims 1, 11, and 15, and are therefore also deemed to be in condition for allowance for at least that reason.

Conclusion

It is clear from the foregoing that all of the pending claims are in condition for allowance. An early formal notice to that effect is therefore respectfully requested.

Respectfully submitted,

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March 27, 2008

Ellen Lovelace